



## Argentina

### Country Reports on Human Rights Practices - [2001](#)

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Argentina is a federal constitutional democracy with an executive branch headed by an elected president, a bicameral legislature, and a separate judiciary. In 1999 voters elected President Fernando de la Rúa in generally free and fair elections. After major protests in December, President de la Rúa resigned and was succeeded briefly by three interim presidents before the Legislative Assembly elected Eduardo Duhalde to serve out the remainder of the de la Rúa term. The judiciary is generally independent but is inefficient, underfunded, and subject at times to intimidation and political influence.

The President is the constitutional commander-in-chief, and a civilian Defense Minister oversees the armed forces. Several agencies share responsibility for maintaining law and order. The Federal Police (PFA) report to the Interior Minister, as do the Border Police ("Gendarmeria") and Coast Guard. The PFA also has jurisdiction in the Federal Capital and over federal crimes in the provinces. Provincial police are subordinate to the respective governor. Federal and provincial police forces and federal prison guards continued to commit human rights abuses.

The country has a population of approximately 36,027,000 and a mixed agricultural, industrial, and service economy. In 1998 following several years of economic growth during an economic reform and structural adjustment program, the economy slowed and entered a recession. As the recession continued through the year, unemployment rose to 18.3 percent and more of the population fell into poverty. Income disparities remain a serious problem; the wealthiest 10 percent of the population received 36.9 percent of total personal income, while the poorest 10 percent received 1.5 percent of total personal income during the year. Per capita gross domestic product was \$7,613 during the year, compared with \$7,980 in 2000. Prices fell 1.4 percent during the year, compared with 0.7 percent during 2000. The Argentine peso was linked to the dollar at the rate of 1 peso equals 1 dollar through a convertibility system.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police continued to commit extrajudicial killings. Torture and brutality by police and prison guards were serious problems. In some cases the authorities investigated and sanctioned those responsible for abuses, but impunity is a problem. Police corruption is a problem. Prison conditions are poor. Police arbitrarily arrested and detained citizens, and lengthy pretrial detention is a problem. There were credible allegations of efforts by members of the security forces to intimidate the judiciary, witnesses, and local human rights groups. The press is free and vigorous; however, public officials harassed and threatened journalists on occasion. Police used excessive force against demonstrators on several occasions. Violence and discrimination against women also are problems. Child abuse and child prostitution are not widespread, although prosecutions demonstrate they exist. Anti-Semitism is a problem; however, the Government took steps to combat it. Discrimination against indigenous people persists. Discrimination against religious and racial minorities and foreign nationals persists. Child labor is a problem. There were reports that women, and unconfirmed reports that children, were trafficked into the country.

The judiciary continued to work through the legacy of human rights abuses of the "dirty war" of the 1976-83 military regime. Former military officers are being prosecuted for kidnapping the children and taking the property of dissidents, and there were several convictions. Two federal judges found the "full stop" and "due obedience" military amnesty laws to be unconstitutional. Judges pursued truth trials in an effort to force the military to provide information on the fate of those who disappeared during the military regime.

#### RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom From:

### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of politically motivated killings; however, police officers were responsible for a number of extrajudicial killings. The authorities investigated and in some cases detained, tried, and convicted the police involved; however, impunity for those who commit abuses is sometimes a problem.

According to reports from nongovernmental organizations (NGO's), killings by members of security forces increased during the year. The Coordinator Against Police and Institutional Repression (CORREPI), a group of lawyers which tracks such cases, reported that security forces killed 98 unarmed persons in cases known as "gatillo facil" (easy trigger or readiness to shoot first) between November 1, 2000 and November 30, 2001, compared with

81 cases the year before. When deaths of bystanders in confrontations with security forces, deaths following torture, deaths in jails or police stations, deaths in protests, and domestic violence killings by security forces are added to the gatillo facil cases, the CORREPI total for the same period reaches 136 cases. The Center for Legal and Social Studies (CELS), a human rights organization, estimated that in 2000 there were 13 third parties killed and 30 wounded by police, compared with 3 killed and 16 wounded in 1999. The CELS also estimated that 234 civilians were killed in police confrontations in the city and suburbs of Buenos Aires during the year. Killings of Federal and Buenos Aires provincial police officers in confrontations also increased to 75 from approximately 64 in 2000. The crime rate, as measured by a survey taken of Buenos Aires residents who reported robberies, rose 33 percent during the year. Official statistics show a crime rate increase closer to 10 percent, and Ministry of Justice statistics show an increase of over 300 percent in the last decade. Police corruption also is a serious problem (see Section 1.c.).

On March 7, police attempting to apprehend a car thief shot and killed 18-year-old Edith Acevedo in El Talar, Buenos Aires province. Acevedo was standing at a kiosk holding her 19-month-old baby at the time. There was no exchange of gunfire; a single shot was traced to the personal rather than the service weapon of a policeman who was under preventive detention at year's end.

On March 16, 16-year-old Martin Gonzalez was killed by a shot fired from a car in Tigre, Buenos Aires province. Gonzalez, whose brother Juan Marcelo was killed in March 2000, had been detained three times over the previous year by police seeking to "verify his record." On each occasion the police reportedly threatened Gonzalez. He was shot in the leg in January. The police also had threatened Lidia Zarate, mother of the Gonzalez brothers and an active member of the Commission of Relatives of Victims of "Gatillo Facil" and Police Repression. On one occasion, when she picked up Gonzalez at the police station, she was told that next time he would be turned over to her in a casket like her other son. The policeman suspected of killing Gonzalez was from the police station in which Zarate was threatened. The case remained under investigation at year's end.

On April 25, the bodies of 14-year-old Gaston Galvan and 16-year-old Miguel Burgos were found on a roadside in Tigre, Buenos Aires province. The boys had been shot multiple times and were found with their hands and feet tied. The boys' families and others from the Bancalari neighborhood reported that Galvan and Burgos had been tortured and beaten by police assigned to the 3rd Station in Don Torcuato, and it later was found that they had reported this abuse to judicial authorities. There was considerable public concern about possible "death squad" activity and police involvement in the deaths of Galvan and Burgos and possibly other area youths. The Under Secretary for Human Rights from the Ministry of Justice and Human Rights contacted local authorities and actively is following the investigations into these and the deaths of another 64 minors in Buenos Aires province. By the end of the year, five provincial police were being held on charges linked to the boys' cases.

In October the Buenos Aires provincial Supreme Court issued a resolution noting that in 1999 and 2000, Buenos Aires provincial police killed at least 60 minors; some of whom reportedly had received threats from police.

On June 17, during a confrontation between more than 20 Border Police and protesters who were blocking a road in General Mosconi, Salta province, Carlos Santillan and Oscar Barrios were killed in incidents apparently related to the protests. Santillan was shot in the head while visiting a cemetery near the roadblocks. Barrios, who was shot but died of respiratory causes, was found in a town plaza less than a mile away. A number of others were injured that day, including border police who were shot. Protesters and police accused one another of having used snipers in the confrontations. Responsibility for the deaths in Salta had not been established, although an investigation was underway at year's end.

On December 19 and 20, police responded to large protests in Buenos Aires; at least five demonstrators were shot and killed and others were injured, allegedly by police (see Sections 2.b. and 3). An investigation of the incidents began immediately.

Transvestite Vanesa Lorena Ledesma, also known as Miguel Angel Ledesma, died while in police custody in February 2000; the body showed signs of torture (see Section 5). Prosecutors refused to press charges against police officers after it was determined that the death was due to natural causes (heart failure). Human rights groups have pressed the Government, without success, to reopen the case. Ledesma's partner, Vanessa Piedrabuena, has received repeated threats and the police have raided her residence. Amnesty International and gay and lesbian rights groups actively follow the case, which U.N. Special Rapporteur on Torture Sir Nigel Rodley also included in his January report to the U.N. Commission on Human Rights titled "Civil and Political Rights Including the Questions of Torture and Detention" (see Sections 1.c. and 1.d.).

The judge investigating the deaths in 2000 of Jose Segundo Zambrano and Pablo Marcelo Rodriguez, reportedly informants on police corruption in Mendoza, has been threatened, as have attorneys involved in the case. After the killings of Zambrano and Rodriguez, a wide ranging reform of Mendoza police began, including a reorganization, with a civilian placed at the head of the police.

In July 2000, the authorities accused personnel of the Federal Penitentiary Service of ordering the murder of Gaston Maximiliano Noguera, an inmate at the Caseros prison (see Section 1.c.). Noguera was one of a group of prisoners allowed to leave prison to commit crimes, apparently with the consent of the Federal Penitentiary Service officials in this prison. During the year, a judge investigating prison corruption in Caseros discovered that prisoner Sanchez Tejada (who claimed to have killed Noguera as part of a deal with prison officials) was being taped by the guards during his testimony, although he was supposed to be testifying in secret. Caseros prison was closed but the investigations into the taping as well as into the deaths and alleged corruption continued at year's end.

In the case of the July 2000 killing of Manuel Fernandez in Jujuy province there was no new information; in July the community held a march and called for progress in the case.

In the case of the July 2000 death of Jorge Marcelo Gonzalez in Corrientes province, the press reported that a month after Gonzalez's death the provincial police chief was retired and his deputy and 72 other police were dismissed.

In the case of the April 2000 death of Juan Marcelo Carunchio in Cordoba province, the head of the special forces unit remained under detention at year's end.

In the case of Anibal Veron, killed during protests in Salta in 2000, the investigation continued at year's end.

Three of the more than 100 policemen involved in a shooting that caused the deaths of 2 hostages and a suspect in Villa Ramallo in 1999 are imprisoned awaiting trial. A policeman, Aldo Cabral, was believed to have provided the transmitter the robbers used during the bank robbery; three others, Ramon Leiva, Oscar Parodi, and Carlos Aravena, reportedly fired the shots that killed the hostages and suspect. The hanging death in prison of a surviving suspect, Martin Saldana, which the police attributed to suicide, was one of a number of suspicious elements in the initial investigation.

The CELS reported that there was no progress in the investigation of the 1999 deaths of Francisco Escobar and Mauro Cesar Ojeda during a protest in which police fired tear gas and rubber bullets in Corrientes. Human and labor rights groups have called for prosecution of those responsible for ordering police action.

In March a former Buenos Aires police officer was sentenced to a prison term of 14 years for killing Walter Repetto in 1998.

In 2000 an officer and two agents from the Entre Rios police were convicted and sentenced to between 15 and 18 years in prison for the 1998 beating death of Juan Carlos Cardoso in Diamante, Entre Rios Province.

In July a court convicted army officers Claudio Kielmasz and Guillermo Gonzalez, charged with killing three young women in the town of Cipolletti in 1997, of kidnaping and sentenced them to life and 18 years in prison, respectively; no one was tried on murder charges.

In September the trial began for those believed to have provided the vehicle used in the 1994 bombing of the Buenos Aires Jewish community center (AMIA), in which 85 persons were killed. Of the 20 suspects on trial,

15 are former police officers, including a former Buenos Aires police captain. The trial is expected to last through much of 2002 (see Section 5).

In the 1989 case of Sergio Sorbellini and Raquel Laguna in Rio Negro province, two suspects convicted and imprisoned were proven innocent and released after 33 years in prison and the judge in that case dismissed. Four police were charged with illicit association and awaiting trial in March. A forensic expert already has been convicted, and two forensic doctors faced trial but there was no further information regarding those actually responsible for the crime.

In 1999 Spanish Judge Baltasar Garzon charged 186 persons with various crimes committed during the dirty war by the 1976-83 military regime against alleged extremists. In November 1999, Garzon indicted the leaders of the military junta, including former military leaders General Leopoldo Galtieri, General Jorge Videla, Admiral Emilio Massera, and 95 other officers, including an active federal judge, on charges of torture, terrorism, and genocide. There were a number of significant developments regarding those presumed to have died following their disappearance during the military dictatorship, including court decisions that the full stop and due obedience laws preventing prosecution of many abuses were unconstitutional (see Section 1.b.).

In September federal Judge Gabriel Cavallo granted a Spanish request for the arrest and extradition of 18 alleged military regime repressors on charges of genocide, torture, and terrorism. However, no extraditions were carried out by year's end.

Retired Navy Commander Ricardo Cavallo, arrested in Cancun in August 2000 on extradition requests by Judge Garzon on charges of genocide, torture, and terrorism, remained detained in Mexico during the year. In January Mexican courts granted Cavallo's extradition to Spain, a decision then confirmed by the Mexican Foreign Minister in February. However, Cavallo continued to fight extradition to Spain in the courts. In July the Government of Mexico rejected the Argentine Government's extradition request for Cavallo and reaffirmed its intent to extradite him to Spain once he has exhausted his legal recourses.

On July 12, a German court ordered the arrest of retired General Carlos Guillermo Suarez Mason and in November Germany requested his extradition for the 1977 murder of Elisabeth Kasemann, a German student killed in Buenos Aires. The Argentine Government rejected the extradition request, reaffirming its principle of "territoriality" which prevents foreign courts from judging human rights violations that occurred in Argentina. Suarez Mason has been under house arrest since 1999 awaiting trial for suspected involvement in kidnaping babies of persons who disappeared (see Section 1.b.).

Chilean courts, including the Supreme Court in August, rejected Argentine Judge Maria Servini de Cubria's request for the extradition of General Augusto Pinochet alleging his involvement in the 1974 car bomb killing of Chilean General Carlos Prats and his wife in Buenos Aires. However, a Chilean Supreme Court judge did order the arrest of five former Chilean officials pursuant to Judge Servini de Cubria's extradition request stemming from the Prats killings; at year's end, four officials reportedly remained under detention and one had been released on provisional liberty.

Judge Rodolfo Canicoba Corral is investigating crimes against humanity committed during the 1970's and 1980's by the six member nations of Operation Condor. Judge Canicoba Corral has charged General Videla with involving Argentina in this illicit operation during his de facto presidency. Carlos Guillermo Suarez Mason, a former commander of Argentina's Army, Paraguayan General Alfredo Stroessner, Chilean General Augusto Pinochet, as well as the former head of the Chilean political police, Manuel Contreras Sepulveda, also are accused in the Operation Condor case. In July Judge Canicoba Corral requested Pinochet's arrest and extradition from Chile. In August the Chilean courts definitively refused the request.

Despite amnesty laws benefiting those suspected of human rights abuses during the dirty war, since 1995 human rights activists have pursued truth trials, based on an unwritten right to the truth. Although they do not result directly in criminal convictions, these truth trials serve to correct official records, such as the Civil Registry, and are bringing out additional information about dirty war abuses. Such trials continued in a number of jurisdictions throughout the country, with the best known of these in the towns of Bahia Blanca, La Plata, and Mar del Plata in the Province of Buenos Aires. In Bahia Blanca, the Federal Court of Appeals is holding a trial "seeking the fate of those who disappeared and those born in captivity." One of the key incidents under investigation is the detention, kidnaping, and disappearance of a group of adolescents from National Technical Education School N1 of Bahia Blanca in 1976. In La Plata the investigations begun in 1998 included oral proceedings with testimony by victims and their families. In Mar del Plata, a committee of organizations constituting a broad cross section of civil society was formed to assist the judiciary in the investigations.

#### b. Disappearance

There were no reports of politically motivated disappearances during the year.

During the year there were ongoing judicial proceedings and extradition attempts related to killings, disappearances, and torture committed by the 1976-83 military regimes (see Section 1.a.).

In 1984 the National Commission on Disappeared Persons (CONADEP) issued a report, based on public testimony from friends, relatives, and witnesses, listing 8,961 names of persons who disappeared in the dirty war. Since then the Under Secretariat for Human Rights, which inherited the CONADEP files, has added over 700 names, also based on voluntary reporting. Such reporting was necessary due to the lack of documentation, which CONADEP attributed to the destruction or concealment of records by those believed responsible for the repression. At the same time, other names have been removed from the original list, either through confirmation of the death or survival of the person who disappeared, or through the identification of duplicate entries.

The Under Secretariat for Human Rights received 9,005 claims for financial compensation from families of those who died or disappeared during the dictatorship. Proposed legislation to extend the deadline for claims was not enacted. While some human rights groups routinely claim that the number of disappeared was as many as 30,000, the number of applications for compensation suggests a figure of between 10,000 and 15,000 may be more accurate.

At the urging of the human rights organization Grandmothers of the Plaza de Mayo, judicial authorities continued to investigate the kidnaping and illegal adoption by members of the former military regime of children born to detained dissidents. There are believed to be between 250 and 300 such cases. In 1999 the Government created a reparation fund to be used by the Grandmothers to find and return children stolen from their parents during the 1976-83 military regime; this allowed the Grandmothers to carry out a nationwide advertising campaign that resulted in more than 240 individuals coming forward for assistance in confirming their true identities during the year. In July the Grandmothers assisted families in presenting 24 new cases of kidnaped children, adding to the 22 already presented for trial. At year's end, the Grandmothers had found 74 children of persons who disappeared during the dictatorship. The number of cases appears to demonstrate that the military dictatorship systematically kidnaped children of prisoners and detainees.

In accordance with the August 2000 Supreme Court ruling against the Supreme Council of the Armed Forces that had tried to take jurisdiction over the baby theft cases, the first trials for kidnapings of minors during the 1976-83 military dictatorship began in civilian criminal courts during the year.

In March in the case of Claudia Poblete, a child taken from a couple who had disappeared, Federal Judge Gabriel Cavallo declared the full stop and due obedience immunity laws unconstitutional. These laws protected those accused of past human rights abuses during the dirty war. Cavallo's decision was based on the incompatibility of the amnesty laws with international conventions to which the Government is a party, including the American Convention on Human Rights, as well as with Article 29 of the Constitution which denies the Congress the ability to give extraordinary powers to any branch of the Government. In October a second federal judge, Claudio Bonadio, upheld the unconstitutionality and invalidity of the two immunity laws in a case related to a conspiracy within the Navy to kidnap the children and take the property of persons who disappeared. These rulings do not affect those cases for which military leaders were tried and later pardoned. In November the Federal Chamber for Buenos Aires confirmed Judge Cavallo's unconstitutionality decision. The Supreme Court is expected ultimately to decide on the constitutionality issue; however, these decisions represented an important step in efforts to prosecute those responsible for abuses.

In 1985 the courts sentenced military junta leaders, including Jorge Videla, Emilio Massera, and Leopoldo Galtieri, to life imprisonment. The immunity laws prevented further trials for crimes committed during the military dictatorship, and President Carlos Menem pardoned the military leaders in 1990. However, in 1999 and 2000, the authorities rearrested many of them, including Videla, Guillermo Suarez Mason, Juan Bautista Sasiain, Santiago Omar Riveros and Massera, as well as other officials from the dictatorship, for suspected involvement in kidnaping children of the disappeared and giving them away through illegal adoptions. Prosecuting lawyers and judges assert that regardless of the ultimate decision on the constitutionality of the immunity laws, the kidnaping of children and the granting of false identity are ongoing crimes not previously judged, to which a statute of limitations cannot be applied.

In April Federal Judge Gabriel Cavallo charged former police agent Julio Simon with the torture and kidnaping of Jose Poblete and Gertrudis Hlaczik, who disappeared after being detained in 1978. Simon was put under house arrest; the case against Simon and his partner Juan Antonio del Cerro continued at year's end. In a related case, on June 28, Federal Oral Tribunal No. 5 sentenced retired Lieutenant Colonel Cerefino Landa and his wife to 9 1/2 and 5 1/2 years of prison, respectively, for the kidnaping and substitution of identity of Claudia Poblete, the daughter of Hlaczik and Poblete.

In June Judge Servini de Cubra indicted naval doctor Jorge Luis Magnacco for attending clandestine births in the Escuela de Mecanica de la Armada during the military dictatorship. The indictment is expected to be part of the trial of Francisco Gomez and Teodora Jofre for the 1978 illegal adoption of the son of disappeared persons Patricia Roisinblit and Jose Manuel Perez Rojo.

On August 13, Judge Marquevich sentenced retired Colonel Hernan Antonio Tetzlaff to 8 years' imprisonment for the illegal adoption of Hilda Victoria Montenegro, who was taken at 15 days of age from her parents Hilda Torres and Roque Orlando Montenegro, who disappeared during the dictatorships.

Legal battles continued in the case of a suspected daughter of a couple who disappeared; she has refused to provide a blood sample for DNA analysis to prove her true identity. After the lower court ruled in September 2000 that she must provide a blood sample, she was arrested and held overnight for noncompliance. The woman says that she will submit the sample voluntarily only if her adoptive parents, being held on charges of illegal adoption and substitution of identity, are given immunity.

Extradition requests related to crimes committed during the dirty war have been received from the Governments of Spain, France, Germany, and Italy (see Section 1.a.). In August a court denied the Government of Italy's request to extradite former naval officer Alfredo Astiz on territoriality (jurisdictional) grounds, implying that he could face charges in Argentina, if not for murder and genocide, then for kidnaping and facilitating illegal adoption of children of persons who disappeared. Also in August, the Foreign Ministry denied a separate request from the Government of France for extradition of Astiz for the disappearance of Alice Domon and Leonie Duquet. In past cases, the Government generally had not agreed to foreign extradition requests on the grounds that those charged already had been tried, convicted, and pardoned under domestic law.

In August 2000, Major Jorge Olivera was arrested in Rome on the basis of an international arrest warrant issued by the Government of France for the 1976 kidnaping of a French citizen in San Juan Province. Olivera was released by Italian authorities in September 2000 and returned to Argentina. In February the Italian Supreme Court nullified the September 2000 ruling that had allowed Olivera's release, which reportedly was based on a false death certificate.

Despite amnesty laws benefiting those suspected of human rights abuses during the dirty war, since 1995 human rights activists have pursued truth trials, intended to correct official records, especially with regard to the fate of those who disappeared and those born in captivity (see Section 1.a.).

In June the first of 18 sculptures was installed at the new Memory Park ("Parque de la Memoria"), which was created on the banks of the River Plate in Buenos Aires to commemorate those who disappeared during the military dictatorship.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and the Criminal Code provides penalties for torture similar to those for homicide; however, torture and brutality by police and prison guards remain serious problems. Human rights organizations described widespread police brutality, the use of torture on suspects, and corruption within the prison and police forces. The Government often investigated reports of police or prison brutality, but in some jurisdictions, such as Mendoza Province and greater Buenos Aires, threats to witnesses and advocates made prosecution of abuses and reform more difficult. On January 25, the U.N. Special Rapporteur on Torture released a report that recalled concerns raised in the Commission's 2000 review of the third periodic report of the country under the International Covenant on Civil and Political Rights. In particular, it noted concern about allegations indicating that torture and excessive use of force by police officials were "a widespread problem and that government mechanisms established to address it are inadequate." The U.N. Special Rapporteur expressed concern about prison conditions and cited specifically "the severe overcrowding and the poor quality of basic necessities and services, including food, clothing and medical care."

In August three federal judges strongly criticized "the generalized practice of torture in all its forms in a systematic way, in the area of investigations and the treatment of detainees, especially in the province of Buenos Aires, where there is a history of authoritarian style state violence." One judge described the situation as "very serious." The judges advocated: 1) adopting a judicial police with new staff which would be charged with investigations, while current police would handle prevention and security duties; 2) removal of obstacles and threats aimed at human rights groups carrying out their duties (see Section 4); 3) putting prosecutors and public defenders in charge of auditing the police and the prison service; 4) dismissal from the security forces of those implicated in human rights violations during the dictatorship or since; and 5) courses to bring judges up to date on human rights.

The judges' report was based in part on an 11-month investigation by the Buenos Aires provincial public defender, Mario Coriolano, who reported 602 cases of torture in jails and police stations in the province between March 2000 and June 2001. Most of these were punches and kicks to various parts of the body, baton blows, and threats (some with firearms). There were also cases of applications of electric shock (a habitual practice from the military dictatorship) and "dry submarine" (asphyxia with a plastic bag). The judges, as well as the penitentiary system's own attorney, pointed to the few instances of complaints sustained in the courts because of the difficulty in obtaining proof due to prisoners' fear of reprisals.

The families of two boys found dead in April reported that police had tortured and abused the boys on previous occasions (see Section 1.a.).

On July 4, in Mendoza Province, a policeman, Adrian Lopez, was kidnaped, beaten, and shot in the leg by hooded assailants who told him that it had happened because he "had a big mouth." Lopez said that he heard his attackers using police codes in radio communications. Lopez secretly had presented evidence on police corruption to the judiciary, but shortly thereafter his name appeared in the press and he began receiving death threats.

In late August, Roberto Lucero and Maria de los Angeles Romero, police who had testified in secret in an investigation of corruption by a group of police from Vicente Lopez in Buenos Aires Province, were stopped by hooded assailants. The assailants ordered Lucero and Romero out of their car, put guns to their heads and told them to resign from the Buenos Aires provincial police. At least 10 other police witnesses in the same corruption case also reported threats, including death threats and beatings of family members. Another witness said that police superiors had tried to impugn his statement by requesting psychiatric studies in order to remove him from the police force. In January a judge had ordered the release of 19 policemen initially detained in the corruption investigation and they reportedly had obtained the judiciary's secret list of witnesses against them.

On October 24, the authorities arrested six police officers from a police station in Lomas de Zamora after a doctor found injuries to a prisoner detained there on October 20. The Lomas de Zamora neighborhood accounted for 123 of the over 600 cases cited in the judges' August report.

There was no further information on the case of the policewoman charged as the instigator of the torture and the four men charged as participants in the September 2000 torture of Ariel Simonini in Tres de Febrero (Buenos Aires province); or in Judge Mario Castillo Sola's investigation of the July 2000 kidnaping and torture of Aldo Bravo by provincial police of Santiago del Estero; or in Judge Hugo Perotti's investigation into the April 2000 police beating of Cristian Omar Lopez in Diamante district.

There are serious problems with police corruption at all levels. Police are not well paid, with a starting salary of around \$400 (400 pesos) a month rising to about \$2,000 (2,000 pesos) a month for a captain. Police often perform official contract guard duty to earn extra money. Addressing police and prison corruption is difficult because the subjects of investigations intimidate whistleblowing colleagues, judicial officials, and civilian witnesses. Threats and beatings aimed to intimidate witnesses are common and, in some cases, occurred in connection with murders believed committed by members of security forces (see Section 1.a.). High-level officials also sought to discredit damaging testimony of subordinates by initiating internal proceedings against whistleblowers. At least three bombs exploded in midyear and were suspected to be linked to some of the dozens of Mendoza police dismissed since 1998 because of corruption charges.

Provincial police and federal Border Police clashed with protesters on numerous occasions during the year (see Section 2.b.). On a number of occasions police used tear gas, water cannons and rubber bullets to disperse demonstrators and injuries and deaths were reported. In an incident in Salta province on June 17, two persons were killed and others were injured (see Sections 1.a. and 2.b.). At year's end, investigations still were underway in Salta, but it is not clear who was responsible for the killing, since both sides claimed there were sharpshooters from the other side at the scene.

In December at least five persons were killed and others were injured in protests in Buenos Aires (see Sections 1.a., 2.b., and 3.).

On March 30, Maria Dolores Gomez, public defender in San Isidro, Buenos Aires province, was beaten under suspicious circumstances (see Section 1.e.).

On May 25, unknown hooded assailants attacked the daughter of political activist Hebe de Bonafini in La Plata, Buenos Aires Province; the victims alleged that security forces were responsible for the attack (see Section 4).

In March the U.N. Committee on the Elimination of Racial Discrimination expressed concern regarding reports throughout the country of police brutality committed on a variety of pretexts on grounds of race, color, or ethnic origin (see Section 5).

An Amnesty International report in 2000 expressed concern over reports that police targeted, tortured, and harassed gays, lesbians, and bisexuals (see Section 5).

On January 17, an explosive package damaged a Shi'a Muslim mosque in Buenos Aires (see Section 5).

Prison conditions are poor. Many prisons and jails are overcrowded, and some facilities are old and dilapidated. According to a Ministry of Justice prison census released in April, there were 43,174 inmates in Federal and provincial facilities designed to hold 30,703 inmates. Of those, 38 percent were not in the appropriate facilities but were held in police stations, where conditions reportedly are worse than in prisons. About 75 percent of the inmates in the census were held in detention awaiting trial.

Since 1999 five new prisons have been opened in the Buenos Aires area. Budget austerity has deferred indefinitely planned construction of additional facilities.

Torture and brutality by prison guards and officials remained serious problems. In January in Marcos Juarez, Buenos Aires province, 41 inmates reported having been indiscriminately beaten by guards who used helmets and shields to obscure their identity. Federal judge Jorge Rodriguez from Moron was investigating at year's end. In a similar case reported on July 31, prisoners in the new General Alvear prison in Buenos Aires province filed a complaint alleging physical and psychological torment. The courts determined that there had been abuses and ordered transfers and an investigation. An investigator told the press that two prisoners had reported that prison personnel in General Alvear Unit 30 had offered drugs and temporary releases to them in exchange for killing Daniel Chocobar, who was the first prisoner to file a complaint in 2000.

On July 12, in the isolation block of the Unit 9 prison in La Plata, Buenos Aires province, a prisoner, Anibal Hernan Larranaga, 4 days from his release, was burned severely in his bed. Prison guards claimed that he set the fire himself but other prisoners reported suspicious behavior indicating that prison staff were responsible for the fire. The case was under investigation at year's end.

Corruption among prison guards has been a problem. More than one prisoner testified that prison guards had offered them releases in order to attack public defender Maria Dolores Gomez (see Section 1.e.). A judge investigating prison corruption in Caseros discovered that prisoner Carlos Sandez Tejada (who claimed to have killed another prisoner) was taped by guards during his supposedly secret testimony (see Section 1.a.). These cases were investigated by a judge, who also was threatened in 2000, and the Caseros prison in which these incidents occurred was closed during the year. The January report of the U.N. Special Rapporteur for Torture noted concerns about "abuses of authority by prison officials, such as torture and ill treatment, and corruption."

Security is a problem at some prisons and detention facilities, at times resulting in jailbreaks. According to the Federal Penitentiary Service, there were a number of prison uprisings during the year, although none occurred in federal facilities. According to the organization Nueva Mayoria, there were only 6 riots in federal and provincial prisons throughout the country during the year, compared with 28 in 2000. Some riots resulted in deaths and injuries to guards and prisoners.

Under national regulations, pretrial prisoners may not be held together with convicted prisoners; however, reliable reports indicate that this segregation of prisoners often is not respected in practice.

The law provides for separate facilities for women and for minors, and these are available in practice.

In April the Buenos Aires Supreme Court called for the Provincial Minors Council to resolve the problem of some 130 minors under detention in police stations in Buenos Aires Province. During the year, the courts repeatedly pressed the provincial security ministry to stop cases of mistreatment of minors under detention.

The Government permits prison visits by independent human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

The Penal Code limits the arrest and investigatory power of the police and the judiciary; however, provincial police sometimes ignored these restrictions and arbitrarily arrested and detained citizens. Human rights groups



find it difficult to document such incidents and state that victims are reluctant to file complaints because they fear police retaliation or do not believe that their complaints would result in any action.

Police may detain suspects for up to 10 hours without an arrest warrant if the authorities have a well-founded belief that suspects have committed, or are about to commit, a crime, or if they are unable to determine the identity of a suspect. However, human rights groups argue that this provision of law is disregarded in order to extort money from persons by threatening to charge them with illegal weapons or drug possession.

Police occasionally detain teenagers and young adults, sometimes overnight or for an entire weekend, without formal charges. They do not always provide such detainees with the opportunity to call their families or an attorney. These detainees are released only upon a complaint from relatives or legal counsel.

In June a law providing the Federal Police with new powers was passed and went into effect. The change in the law allows police to question suspects at the scene of the crime and to hold suspects incommunicado for up to 10, rather than 6, hours; it also provides police with additional search powers (see Section 1.f.). At least one prominent human rights group opposed the changes. At year's end, the effects of the law on the crime rate and reported police abuses were still unclear.

The law allows pretrial detention for up to 2 years, and the slow pace of the justice system often results in lengthy pretrial detentions (see Section 1.e.). If convicted, a prisoner usually receives credit for time already served. According to local authorities, around 70 percent of the inmates in the federal prisons of the greater Buenos Aires area were in pretrial detention. The law provides for the right to bail, and it is utilized in practice.

The Under Secretariat for Human Rights, which administered a law granting former prisoners of the military regime the right to apply for compensation, received over 13,148 applications. It had approved about 8,000 of them by year's end.

The law does not permit forced exile, and it is not used.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, while the judiciary is nominally independent and impartial, its judges and judicial personnel are inefficient and at times subject to intimidation and political influence. The system is hampered by inordinate delays, procedural logjams, changes of judges, inadequate administrative support, lack of funding, and incompetence. Allegations of corruption are reported widely.

There were credible allegations of efforts by members of security forces and others to intimidate the judiciary and witnesses (see Sections 1.a., 1.b., and 1.c.).

On March 30, unknown assailants beat Maria Dolores Gomez, a public defender who had criticized conditions in prisons in 2000 (see Section 1.c.). More than one prisoner testified that prison guards had offered them releases in order to attack public defender Gomez. She also received threats attributed to prison authorities and was the subject of unusual judicial proceedings suspected to have been undertaken at the instigation of a high-level prison official. CELS requested that the

Inter-American Commission on Human Rights (IACHR) intervene, and Amnesty International publicized the case. The Government reported back to the IACHR that it had offered Gomez protection and begun an investigation of the beating. The investigation had yielded no reported results by year's end.

There was no new information in the investigation into death threats received by Judge Maria Romilda Servini de Cubria and her judicial secretary Ricardo Parodi in 2000, apparently in relation to investigations of kidnapping of children during the dirty war (see Section 1.b.). Additional security was provided to them and there were no threats during the year.

The judicial system is divided into federal and provincial courts, each headed by a Supreme Court with chambers of appeal and section courts below it.

The Council of Magistrates is responsible for submitting to the President for his decision a slate of three qualified candidates for each federal judicial vacancy. The President's choice is then subject to Senate approval. The council is also responsible for conducting impeachment hearings on judges implicated in wrongdoings and for general administration of the federal court system. At year's end, there were still 75 vacant positions for national and federal judges.

In February the Council of Magistrates unanimously suspended Judge Carlos Liporaci in anticipation of a subsequent impeachment hearing on charges of illicit enrichment. Liporaci resigned 2 weeks later, thus avoiding the impeachment hearing.

Trials are public, and defendants have the right to legal counsel and to call defense witnesses. A panel of judges decides guilt or innocence. Federal and provincial courts continued the transition to oral trials in criminal cases, instead of the old system of written submissions. However, substantial elements of the old system remain. For example, before the oral part of a trial begins, judges receive pretrial written documentation regarding the case, which, according to prominent legal experts, could bias a judge before oral testimony is heard. Lengthy delays in trials are a problem. The 1994 Constitution provides for trial by jury; however, required implementing legislation has not been passed. There is a provision for counsel for indigents; however, in practice counsel may not always be provided due to a lack of resources.

Several groups expressed concern regarding laws for judicial proceedings regarding minors (see Section 5).

There are 11 La Tablada prisoners still under detention (all but one are allowed temporary releases to work, study or be with families). No Tablada prisoner was released this year; all but two of them are expected to be given conditional liberty around mid-2002.

There were no other reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, and the Government generally respects these prohibitions. Violations are subject to legal sanction. In practice, local police stop and search individuals without probable cause.

In June a new law was enacted and went into effect that granted federal police new powers, including the power to enter the scene of a search without civilian witnesses in case of danger; to take evidence of a crime found while searching for items related to a different crime; and to search anyone, their belongings and cars, without a court order in order to find items "stemming from or constituting a crime or which could be used to commit one" as long as prior circumstances justify it and they are done in a place that is public or with unrestricted access. The law also provides for expanded powers of detention (see Section 1.d.).

Several highly publicized cases of unauthorized telephone wiretaps in the past several years raised public concern. The use of wiretaps approved by a federal judge continued to be governed by a decree issued by then-President Menem in the early 1990's. However, in December a new intelligence law was enacted and published in the Official Bulletin. Among other provisions, the law provides for legislative oversight over government intelligence activities and prohibits unauthorized interception of telephone, postal, facsimile, or other voice or image transmissions as well as other kinds of information, files, and private documents. The Government has 180 days to issue implementing regulations.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, there were several reports that public officials harassed, threatened, and criticized the press, particularly at the provincial and local levels.

A number of independent newspapers and magazines publish freely, and all print media are owned privately. Privately owned radio and television stations broadcast freely. The Federal Government owns the Telam wire service, a radio network, and a television station. A few provincial governments also own broadcast media.

During the year, there were several reports that public officials harassed and threatened journalists, and that they used libel laws and withholding of advertising to pressure the press. The journalists' organization "Periodistas" also has reported cases in which private individuals are believed to have attacked and threatened the press.

On March 28, Carlos Abrehu, editor of daily La Gaceta of Tucuman province, received a package containing a hand grenade and a note. The daily's publisher attributed the threat to unnamed individuals displeased with the paper's coverage of excessively high salaries and allowances for provincial politicians. Police disposed of

the unexploded device and gathered evidence for an investigation; there were no reported results at year's end.

Unknown assailants shot at the homes of two radio journalists in what are believed to have been attempts at intimidation. In Santa Rosa, on February 17, four bullets were fired into the home of Edgardo Soto, who had been reporting on the foot and mouth disease outbreak and the debts of a local meat company. On June 19, in Capitan Bermudez in Santa Fe province, unknown attackers shot into the home of Martin Oeschger, a journalist for the radio station FM Parana. The following week, Oeschger received a telephone threat referring to the shooting. Previously Oeschger had received telephone threats and stones were thrown at his house. According to Periodistas, Oeschger had been threatened repeatedly by officials from the Municipal Workers and Employee's Union, about which he had written articles criticizing corruption. The provincial government provided increased police patrols for Oeschger.

On July 17, the Civil and Commercial Federal Chamber dismissed Judge Claudio Bonadio's charges of "violation of confidentiality" against journalist Marcelo Bonelli, who had published information in June 2000 about irregularities in financial statements made by a government official, Victor Alderete. Alderete also filed a criminal libel complaint against the Director of La Nacion for reporting on an investigation into a questioned contract, but another chamber of the same court dismissed the complaint.

On September 26, the Supreme Court upheld a 1998 court decision fining the magazine Noticias \$60,000 (60,000 pesos) for violating the privacy of then-President Menem by publicizing the details of his relationship with a woman, including the name of a minor born to them.

Efforts to intimidate the press in the province of Santiago del Estero continued to be a problem as daily newspaper El Liberal faced legal challenges by prominent members of the Women's Branch of the Peronist Party because of its reproduction of an insulting title originally published in La Voz del Interior. Irregularities in the suits as well as withdrawal of advertising and nonpayment of debts by the provincial government raised questions about the Government's role in the suits. El Liberal also reported "political persecution and espionage by the provincial government" to the press association ADEPA. In June a Special Rapporteur for the U.N. Commission on Human Rights visited to study the press situation in the province and a report is expected to be released in March 2002.

There was no additional information with respect to reports in 2000 of wiretaps and threats against El Liberal in the province of Santiago del Estero; threats against Cordoba's La Voz del Interior, which had published information about wiretapping and other abuses attributed to the provincial government of Santiago del Estero; or the killing of Ricardo Gangeme in Chubut Province in 1999, which observers believe was not related to his writing.

The law provides for academic freedom, and the Government does not restrict this right in practice.

#### b. Freedom of Peaceful Assembly and Association

The Constitution and the law provide for freedom of assembly, and the Government generally respects this right in practice. There were numerous peaceful protests and demonstrations throughout the country during the year (see Section 6.a.). However, on a number of occasions, the security forces used rubber bullets, tear gas, and water cannons to disperse unruly demonstrators, resulting in several deaths and a number of injuries. For example, on June 17, two persons died in a clash between protesters and Border Police in Salta province (see Section 1.a).

In December there were an increasing number of protests against the Government. A general strike also took place without incident on December 13 (see Section 6.a.). Most of the December protests were in opposition to the Federal Government's austerity program, newly imposed bank deposit restrictions, the continuing recession, loss of employment, non-payment of wages or cuts in wages. On December 14, the protests turned violent, with supermarket looting in the provinces of Mendoza and Santa Fe, which spread to other provinces. By December 19-20, the looting and street violence reached a critical state, with federal and provincial security forces apparently unable or unwilling to control the situation.

On December 20, the violence and looting reached downtown Buenos Aires, with a day of confrontations between protesters and security forces on the central Plaza de Mayo, in front of Congress and on the major avenues of the capital city. Police ultimately moved to disperse demonstrators on the Plaza de Mayo. In the resulting chaos, at least five persons were shot and killed, with many others injured. In the wake of this violence, President de la Rúa resigned the Presidency at the end of the day (see Section 3).

At least seven persons were also reported killed in violence in the provinces of Buenos Aires and Santa Fe on December 19-20. The total number of dead during the 2 days of violence around the country was reported to have been as high as 30 persons. Many of the deaths have not been attributed to security forces; in some cases, the security forces present appeared reluctant to intervene. Investigations to determine responsibility for the deaths of demonstrators near the Plaza de Mayo were begun immediately in the wake of public and congressional charges of police violence and repression. The investigations were ongoing at the end of the year, with no conclusive results expected in the near future.

Public university study is free; however, in response to a sharpening financial crisis, the federal Government has cut deeply public spending to achieve a balanced budget. University administrators, faculty and students, anticipating significant future cuts in funding to academic institutions, demonstrated frequently throughout the year. In March students from many of the public universities in the country took over university offices and blockaded streets in protest of then-Economy Minister Lopez Murphy's proposal to cut the budget for higher education and to charge some tuition. The demonstrations were peaceful, although they included roadblocks. The protests in solidarity with the public teachers' union's strike contributed to the resignation of Lopez Murphy and the reversal of the proposed education cuts.

There was no new information related to investigations into injuries of persons protesting the labor reform law in 2000 and the 1999 deaths of two persons demonstrating against the Federal Government's takeover of the Corrientes provincial government.

The Constitution and the law provide for freedom of association, and the Government generally respects this right in practice.

#### c. Freedom of Religion

The Constitution states that the Federal Government "sustains the apostolic Roman Catholic faith;" however, other religious faiths are practiced freely. The Government provides the Catholic Church with a variety of subsidies totaling \$8 million (8 million pesos), administered through the Secretariat of Worship in the Ministry of Foreign Relations, International Trade, and Worship. The Secretariat is responsible for conducting the Government's relations with the Catholic Church, non-Catholic Christian churches, and other religious organizations in the country. Religious organizations that wish to hold public worship services and to obtain tax exempt status must register with the Secretariat, and must report periodically to the Secretariat in order to maintain their status.

In April the Jewish community organization DAIA (Delegation of Israelite-Argentine Associations) strongly criticized the provincial government of Catamarca over the teaching of religion in public schools. Article 270 of the provincial Constitution, in place since 1988, made the teaching of religion in public schools to minors obligatory so long as the parents agreed to the creed being taught. The article specified that all students would receive instruction in their parents' faith, thus separating children according to religion in a potentially discriminatory fashion. The article did not take effect until 1999, thus affecting the 2000 and 2001 school years. After DAIA's initial statements to the media, in April the provincial governor, Oscar Anbal Castillo, revoked the article by ministerial decree. Catholic religious leaders then vocally demanded that the article be reinstated. An agreement between the provincial government and various religious communities was reached in July. The agreement specifies that religion may be taught as an optional activity outside of school hours.

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and laws provide for these rights, and the Government generally respects them in practice. Protesters frequently blocked roads (see Sections 2.b. and 6.a.).

A committee composed of representatives of the Ministries of Justice, Foreign Affairs, and the Interior determines grants of refugee status, using the criteria of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A representative of the U.N. High Commissioner for Refugees may participate in committee hearings, but may not vote. The Government has granted refugee status to numerous persons and accepted refugees for resettlement. The issue of the provision of first asylum did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic free and fair elections held on the basis of universal suffrage. In 1999

voters elected Fernando de la Rúa, leader of the "Alianza" coalition of opposition parties, as president. In national midterm legislative elections on October 14, the opposition Justicialist party maintained its absolute majority in the Senate and replaced the Alianza as the largest party in the Lower House. This was the first time that the voters directly elected the Senate; previously provincial legislatures elected senators.

Late on December 20, after several days of protests, street violence, looting, and deadly confrontations between security forces and demonstrators, President De la Rúa resigned (see Section 2.b.). Because of the resignation of his vice president over a year before, under the Constitution, the presidency fell to Ramon Puerta, President Pro Tempore of the Senate and member of the opposition Peronist party. As provided for in the Constitution, Puerta immediately called a Legislative Assembly, which met and elected San Luis Governor Adolfo Rodríguez Saa as President until elections called for March 2002. President Rodríguez Saa governed for a week before street protests resumed and he lost political support and also resigned. When Senator Puerta resigned his Senate leadership position, the interim presidency passed to Deputy Eduardo Camano, President of the Chamber of Deputies, who again called the Legislative Assembly to vote--this time for a President who would serve out the remainder of De la Rúa's term ending in 2003. On January 1, 2002, the Legislative Assembly elected former Buenos Aires Provincial Governor Eduardo Duhalde.

In 1999 President de la Rúa requested and received congressional permission to suspend all three branches of the Corrientes provincial government and take direct federal control of the province. Public workers, including teachers, court workers, and public hospitals had been on strike or limiting services for much of the year due to the provincial government's inability to pay salaries. In December 2000, Congress extended the suspension of the Corrientes provisional government for an additional year. Elections for the provincial government were held in Corrientes on October 14, and a new provincial government took office in December.

There are no legal impediments to participation by women and minorities in politics and government; however, the percentage of women and minorities in government and politics does not correspond to their percentage of the population. The Constitution stipulates that the internal regulations of political parties and party nominations for elections are subject to requirements to increase women's representation in elective offices. A 1991 law mandates the use of gender quotas by all political parties in national elections. A 1993 decree requires that a minimum of 30 percent of all political party lists of candidates be female. As a result, the presence of women in Congress has increased. The number of female members in the Lower House rose from 71 to 75 (out of 257 total members) after the October 14 national legislative elections. Until the October 14 elections, gender quotas had not applied in the Senate, where there were only 2 female members in the 72-person body. However, a December 2000 presidential decree mandated that at least one-third of all senatorial candidates in future elections must be women. There are 25 women in the Senate that took office in December. For most of the year, there was one female cabinet-level official--the Minister of Labor, Employment, and Human Resources Training. There are no female justices on the Supreme Court although women are prominent in lower levels of the judiciary system.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. The Government is usually cooperative, although not always responsive to their views.

Some of the most active human rights organizations include the Grandmothers of Plaza de Mayo, the Mothers of Plaza de Mayo Founding Line, the Center for Legal and Social Studies, the Permanent Assembly for Human Rights, Service for Peace and Justice, and New Rights of Man.

There were credible allegations of efforts by members of security forces and others to intimidate the judiciary, witnesses, and local human rights organizations (see Section 1.e.). These attempts include the attacks during the year on: Martin Gonzalez, the son of Lidia Zarate, who was active in a human rights group after the killing of another son; public defender Maria Dolores Gomez who criticized torture in jails; and police corruption whistleblowers Adrian Lopez in Mendoza, and Roberto Lucero, and Maria de los Angeles Romero (see Sections 1.a., 1.c., and 1.e.).

On May 25, Maria Alejandra Bonafini, the daughter of political activist Hebe de Bonafini, was attacked by unknown hooded assailants in the home she shares with her mother in La Plata, Buenos Aires Province. The victim reported that the attackers put a plastic bag over her head, beat her and burned her arms and back with cigarettes. According to Amnesty International, which issued a widespread appeal on behalf of both the women, she had received death threats related to her mother's work. The elder Bonafini declined to meet with the Under Secretary for Human Rights about the case, and she and her daughter refused protection offered by the Government because they believed that security forces were responsible for the attack. The authorities

initiated an investigation of the incident although Hebe de Bonafini said she would not report the incident officially to police or judicial authorities (see Section 1.c).

In his January 25 report, the U.N. Special Rapporteur for Torture referred to concerns raised by the Human Rights Committee with regard to its October 2000 review of the periodic report of Argentina under the International Covenant on Civil and Political Rights (see Sections 1.a., 1.c., and 1.d.). In June a Special Rapporteur for the U.N. Commission on Human Rights visited to study press freedom in Santiago del Estero province (see Section 2.a.).

Within the federal Government, the Ministry of Justice and Human Rights' Under Secretariat for Human Rights addresses human rights concerns at a domestic level. Human rights issues at the international level are handled by the Office of the Special Representative for International Human Rights of the Ministry of Foreign Relations, International Trade, and Worship.

In 2000 Congress passed a law calling for the human rights commissions of both chambers to write an annual report on human rights in the country, beginning in 2001; however, at year's end the report had not been published.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and law provide for equal treatment for all citizens, and the law provides for prison terms of up to 3 years for discrimination based on race, religion, nationality, ideology, political opinion, sex, economic position, social class, or physical characteristics.

The National Institute against Discrimination, Xenophobia, and Racism (INADI), an agency of the Ministry of Interior, is mandated to identify and combat all forms of intolerance in the country. INADI investigates violations of the antidiscrimination law and carries out educational programs to promote social and cultural pluralism and combat discriminatory attitudes. However, INADI's extremely limited budget, ongoing reorganization, and limited legal authority limited the office's effectiveness.

An Amnesty International report in 2000 expressed concern over reports that police targeted, tortured, and harassed gays, lesbians, and bisexuals (see Section 1.c.). The report included information regarding the February 2000 death in police custody of a transvestite whose body showed signs of torture (see Sections 1.a.). Amnesty International noted that police bylaws and provincial codes of misdemeanors allow police to detain or sanction members of sexual minorities for actions that do not constitute a criminal offense. The Association Against Homosexual Discrimination filed a complaint to the Office of the Human Rights Ombudsman in Cordoba regarding such treatment.

#### Women

Domestic violence and sexual harassment against women widely are recognized as serious social problems. However, few official statistics on these crimes are available, so any accurate measure of the problems is difficult. The Government, through the National Council of Women, implemented a new database system, with the help of UNICEF, to standardize statistics on domestic violence, permit a more accurate evaluation of the scope of the problem, and promote better public policy. No statistics on domestic violence were available on a national level. However, as an indicator of the magnitude of the problem, courts in the city of Buenos Aires received 1,289 formal complaints in 2000.

Any person suffering physical or psychological domestic violence by a family member may file a formal complaint with a judge or police station; the level of injury inflicted determines the punishment under the civil and criminal codes. In addition, the Law on Protection Against Family Violence gives a judge the right to prevent the perpetrator of a violent act from entering the home or place of work of the victim, and temporarily to decide issues of family support, child custody, and arrangements for communication with children.

Rape is a problem, but reliable statistics as to its extent were not available. The crime of rape falls under the Law of Crimes Against Sexual Integrity. Marital rape and acquaintance rape are offenses under the law, if force is involved, but the need for proof, either in the form of clear physical injury or the testimony of a witness, often presents a problem. A 1999 law expanded the definition of punishable sexual violations beyond forcible intercourse and increased the severity of punishments; in addition, it is no longer possible for an accused rapist to be excused from prosecution by offering to marry the victim. The penalties for rape vary from 6 months to 20 years and depend on the nature of the relationship between the rapist and victim and the physical and mental harm inflicted.

Public and private institutions offer prevention programs and provide support and treatment for women who have been abused, but transitory housing is almost nonexistent. The Buenos Aires municipal government operates a small shelter for battered women and a 24-hour hot line offering support and guidance to victims of violence, but few other shelters exist. NGO's working in the area of women's rights stress that women too often do not have a full understanding of their rights. Women lack information about what can be considered rape, or when physical and emotional abuse is considered a punishable crime.

Sexual harassment is a serious problem. In the first conviction of an employer for allowing sexual harassment, a woman was awarded \$25,000 in compensation in August. In September Buenos Aires province adopted the first law outlawing sexual harassment in provincial agencies. However, women lack information about what constitutes sexual harassment.

Adult prostitution is illegal but does occur. Women are trafficked to the country for purposes of prostitution; in August a court convicted a nightclub owner of kidnaping and operating a house of prostitution (see Section 6.f.).

Despite legal prohibitions, women encounter economic discrimination and occupy a disproportionate number of lower paying jobs. Often they are paid less than men for equivalent work, although this is prohibited explicitly by law. Working women also are represented disproportionately in the informal sector, where effectively they are denied work-related economic and social benefits enjoyed by registered workers. According to government statistics, in May women in general earned an average of 26.5 percent less than men did. The wage differences were more pronounced at higher levels of education; for example, women with a college degree earned 46 percent less than men. According to government statistics, in 1999 the underemployment rate for women was twice as high as that for men.

The National Council of Women, an interagency organization under the authority of the President's Cabinet Chief, carries out programs to promote equal opportunity for women in the social, political, and economic arenas. The Council operates a Web site that provides information on the organization and on issues relevant to the organization's goals.

#### Children

While the Government voices strong commitment to issues of children's rights and welfare, including education and health, increasingly tight federal and provincial budgets mean that programs in these areas continued to receive insufficient funding. The Ministry of Justice and Human Rights' Under Secretariat for Human and Social Rights works with UNICEF and other international agencies to promote children's rights.

A 1993 law requires that all children receive a minimum of 9 years of schooling, beginning at age six. Education is compulsory, free, and universal for children up to the age of 15; however, adequate schooling is unavailable in some rural areas. The National Council for Childhood, Adolescence and the Family, an independent government organization reporting to the Ministry of Social Development and Environment, stated that according to a 1999 study, approximately 99 percent of all children of primary school age attended schools, with roughly the same percentages for both genders. There are numerous federal and provincial health care programs for children, although not all children have access to them. The most recent census (in 1991) noted that 4.5 million children under age 14 lived in impoverished conditions.

NGO's and church sources indicated that child abuse and prostitution were increasing, although no statistics were available.

A May 2000 UNICEF report stated that sexual exploitation of children is widespread due to police inefficiency and lack of judicial intervention. The report indicated that the problem is substantial, but statistics on this crime were not available. The children involved usually work in the same institutions as adults. The National Council for Childhood, Adolescence, and the Family has developed an Action Plan, together with the Attorney General, the Ministry of Justice and Human Rights, the National Council of Women, and UNICEF, on the elimination of child prostitution.

There are street children in some large cities. A survey conducted in April and May by the city of Buenos Aires documented 1,643 children and adolescents found on the streets. Of these, 93 percent lived with their families and 7 percent were "street children." Of the children living with their families, 25.6 percent had no fixed residence. The survey also found that approximately 68 percent of the children surveyed between 4 and 18 attended school. Nearly 80 percent of the children surveyed carried out some economic activity (see Section 6.d.).

Children have been trafficked to the country for labor and for prostitution (see Section 6.f.).

UNICEF and the National Council for Childhood, Adolescence and the Family are concerned about existing laws for judicial proceedings regarding minors. Children under the age of 16 have immunity. However, under the Law of Patronato, those accused of a crime who are between the ages of 16 and 18 are taken before a judge and assumed guilty of the crime, without the benefit of either an oral or written trial. Punishment is then determined based not on the severity of the crime under the law but on the financial ability of the guardians to provide treatment and rehabilitation. Thus, minors who commit serious crimes but come from wealthier families are released to the guardians, while minors from impoverished backgrounds may be sent to juvenile detention centers for lesser crimes.

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, and the provision of other state services, and mandates access to buildings for persons with disabilities. There has been some progress in these areas. The National Advisory Commission on the Integration of People with Disabilities--a governmental office--and numerous NGO's actively defend the rights of persons with disabilities and help them to find employment.

A 1994 law intended to eliminate barriers for persons with disabilities mandates standards regarding access to public buildings, parks, plazas, stairs, and pedestrian areas. Street curbs, commuter train stations, and some buildings in Buenos Aires have been modified to accommodate wheelchairs, but many public buildings and lavatories are still inaccessible to persons with disabilities. The Buenos Aires subway system installed a small number of elevators and escalators to facilitate use of the subway system by the disabled, and the subway administration pledged to increase the overall number of escalators in the system. More buses and trains also are accessible by persons with disabilities, consistent with legislation passed in December 2000.

#### Indigenous People

The Constitution recognizes the ethnic and cultural identities of indigenous people and states that Congress shall protect their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources. However, in practice, indigenous people do not participate in the management of their lands or natural resources. The National Institute of Indigenous Affairs (INAI) is the government agency responsible for implementing these provisions.

The principal indigenous groups--the Kollas in Salta and Jujuy, the Mapuches in the Patagonian provinces, and the Wichis and Tobas in the northern provinces--represent less than 5 percent of the national population. The INAI estimates that there are approximately 700,000 indigenous persons, most of whom reside in rural areas. However, the nongovernmental Indigenous Association of the Argentine Republic estimates the indigenous population at 1.5 million persons. Other demographers in recent years have provided estimates of at most 450,000 persons. To clarify the discrepancy, the national census scheduled to take place in 2000 was to have collected information about indigenous identity for the first time; however, funding shortfalls required the Federal Government to postpone the census until mid-November, with results expected in 2002.

Existing census data show that poverty rates are higher than average in areas with large indigenous populations. Indigenous persons have higher rates of illiteracy, chronic disease, and unemployment. Government efforts to offer bilingual education opportunities to indigenous people continued to be hampered by a lack of trained teachers.

Since 1994 the Government has restored approximately 2.5 million acres of land to indigenous communities. Nonetheless, some communities were involved in land disputes with provincial governments and private companies, particularly over questions of natural resource extraction and road construction.

#### Religious Minorities

Acts of discrimination and violence against religious minorities, particularly the Jewish and Muslim communities, are reported regularly. Combating this and other forms of intolerance is a priority for the INADI. The Federal Government continues to support a public dialog intended to highlight past discrimination and to encourage improved religious tolerance. There were a number of reports of anti-Semitic acts, of anti-Semitic violence, and of threats against Jewish organizations and individuals during the year. The most frequent incidents include occurrences of anti-Semitic and pro-Nazi graffiti and posters in cities throughout the country. During the year, no one was convicted for any anti-Semitic or anti-Muslim acts.



On January 17, an explosive package was thrown at the windows of a Shi'a Muslim mosque in Buenos Aires. The blast caused significant damage to the Islamic bookstore located in front of the building and injured a police sergeant guarding the mosque. Following a government official's declaration, security was increased for all religious institutions. No progress has been made in the investigation into this attack, nor into the bomb threat reportedly received 2 days later by the San Justo Islamic Cultural Center in Buenos Aires.

In April Alberto Merenson, a retired musician and former director of the Symphonic Orchestra of San Juan Province, was the victim of a letter bomb. Merenson was injured and his home was damaged. A swastika was found inside the box. No progress was made in the investigation of this crime by years' end.

On May 20, the Secretary for Security for the Ministry of Interior, Dr. Enrique Mathov, was the target of anti-Semitic remarks and shouts while attending the funeral of a member of the Federal Police. No charges were brought in this case. In October political activist Hebe de Bonafini referred to prominent human rights activist and journalist Horacio Verbitsky as a Jew in a derogatory fashion in a news magazine interview. No charges were filed.

Since it reopened in 1999, there have been several telephoned bomb threats, including two during the year, made against the new AMIA Jewish community center building (which replaced the one destroyed by the bombing in 1994). No one has taken responsibility for the bomb threats, nothing was found in the building on these occasions, and there were no results from the formal investigations into the bomb threats.

In 2000 President de la Rúa committed the Government to implementing a Holocaust Education Project to be carried out under the auspices of the International Holocaust Education Task Force. Pursuant to that commitment, in 2000 the Government appointed a special representative to the task force, began a number of projects including a Holocaust monument in Buenos Aires, and donated a building for a Museum of the Shoah. The Ministry of Education is working to include Holocaust education in primary and secondary schools, and the schools now commemorate a national day of tolerance on April 19. In April the Government renewed the charter of the National Commission for Clarification of Nazi Activities (CEANA), in order to enable CEANA to continue its investigations into past pro-Nazi actions on the part of the country.

The investigation into the 1992 bombing of the Israeli Embassy in Buenos Aires has come to a virtual standstill. However, the investigation to find those directly responsible for the 1994 bombing of the AMIA Jewish community center (in which 85 persons died) continued during the year. In June a team of foreign investigators visited to work jointly with Argentine legal and judicial authorities involved in the AMIA bombing in reviewing the investigation.

On September 24, the public trial of alleged Argentine accomplices to the 1994 bombing of the AMIA Jewish community center began in Buenos Aires (see Section 1.a.). The 20 defendants, among them 15 former Buenos Aires province police officers, are charged with aiding the actual perpetrators of the bombing by supplying the stolen van used to carry the bomb. The police defendants face charges of various acts of corruption related to the stolen van.

In March the Supreme Court reopened a case in which a court sentenced three youths to 3 years in prison for a 1995 assault on a man whom they believed to be Jewish. In 1998 the court had found the youths to have acted in violation of the antidiscrimination statute and sentenced them to the maximum penalty provided by the law. In 1999 the appeals court overturned the conviction and ordered that the youths be retried. The Supreme Court decided to uphold the appeals court decision and directed that the three youths be retried. In December two of the three again were convicted and sentenced to 3 years in prison in the retrial. The third suspect failed to appear for the retrial.

#### National, Racial, and Ethnic Minorities

Racist incidents are underreported, and racism often is denied to be a problem; however, members of racial minorities, such as those of African descent, report frequent cases of verbal insults and in some cases physical assaults on the streets of Buenos Aires.

Individuals of indigenous descent from the northern part of the country, as well as from Bolivia, Peru, and other Latin American countries, reportedly are also frequently subject to verbal insults because of their dark skin. First hand accounts by those who have been subject to incidents of racial prejudice indicate that this is a more common problem than is widely reported or recognized.

In March the U.N. Committee on the Elimination of Racial Discrimination expressed concern regarding reports throughout the country of police brutality committed on a variety of pretexts on grounds of race, color, or ethnic

origin.

In January a Bolivian woman, Marcelina Meneses, and her 10-month-old Argentine son were insulted, then were pushed or fell from a suburban train. Both were killed. The Foreign Ministry's Human Rights Directorate reported that a prosecutor in Lomas de Zamora, Manuel Devoto, was investigating the case but that of the many witnesses to the incident, including a number of railroad employees, only one has been willing to testify. INADI was investigating the case.

According to press reports, in Mar del Plata, on January 17, a Nigerian street vendor was assaulted with a hammer and robbed by soccer fans shouting racist and xenophobic insults. The Nigerian reportedly declined to file a complaint. Other minorities have reported avoiding buses and other crowded public facilities out of fear of being subjected to racial harassment.

In March 2000, a woman of African descent, Elisa Souza de Melgarejo, and her grandson were assaulted verbally in a supermarket. When Souza de Melgarejo went to file a complaint with the police, she was advised by police to "save the paper." Nonetheless, Souza de Melgarejo filed a complaint with INADI and a judge, who initially rejected the case, has charged the man accused of the threats.

In March the Government stated that two small neo-Nazi groups were operating in Buenos Aires. There were charges of attacks by skinheads on persons of African descent in Buenos Aires.

In March the director of INADI informed the U.N. that some teachers had been trained on the importance of teaching the elimination of racism. There also have been antiracist publicity spots shown in football stadiums, as well as radio advertisements dealing with antiracist subjects.

Early in the year, the Argentine Soccer Association established rules to stop or cancel games when any ethnic incidents or taunting erupts, such as anti-Semitic and anti-immigrant incidents that have occurred at soccer matches in the past several years. Since its implementation, this measure reportedly has had considerable success in reducing discriminatory acts and behavior at soccer matches.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for the right to form "free and democratic labor unions, recognized by simple inscription in a special register," and unions exercise this right. With the exception of military personnel, all workers are free to form unions. An estimated 35 percent of the work force is organized. Trade unions are independent of the Government and political parties, although many union leaders traditionally have supported the Justicialist Party. Most unions are affiliated with one of the two factions of the General Confederation of Labor (CGT). A smaller federation, the Argentine Workers' Central, also is recognized legally.

The International Labor Organization's (ILO) Committee of Experts has criticized a law that allows only one union per industrial sector to negotiate salary, collect dues, and call a strike. The law makes it virtually impossible for new unions to challenge existing unions, thus giving the established unions a monopoly on these fundamental powers of representation. In late 2000, the Labor Minister formed a tripartite commission to analyze the ILO observations, but there have been no reported developments.

The Constitution provides for the right to strike, and this right is observed in practice. Four national general strikes took place during the year and numerous smaller scale strikes were held, including one by public school teachers in Buenos Aires Province, which closed schools for a month in August. The major strikes were generally protests against the economic model or specific government austerity measures aimed to balance the federal budget.

Groups of unemployed and underemployed workers, retirees, and unions around the country frequently demonstrated and used roadblocks as acts of protest. Hundreds of incidents took place during the year. Many of the roadblocks were carried out by groups of impoverished persons demanding federal and provincial unemployment payments or job subsidies. The roadblocks usually were organized by political or labor leaders. While most roadblocks were resolved by negotiated settlements, sometimes including promises of extended or expanded unemployment programs, a number ended in confrontations between the police and strikers. Two persons were killed in Salta Province in association with such a confrontation (see Sections 1.a., 1.c., and 2.b.). There was a peaceful general strike on December 13 (see Section 2.b.).

Unions are free to join international confederations without government restrictions; many unions also are active in international trade secretariats.

#### b. The Right to Organize and Bargain Collectively

The Constitution provides unions with the right to negotiate collective bargaining agreements and to have recourse to conciliation and arbitration. The Ministry of Labor, Employment, and Human Resources Formation ratifies collective bargaining agreements, which cover roughly three-fourths of the work force. According to the ILO, the ratification process impedes free collective bargaining because the Ministry not only considers whether a collective labor agreement contains clauses violating public order standards, but also considers whether the agreement complies with productivity, investment, technology, and vocational training criteria. However, there were no known cases during the year when the Government refused to approve any collective agreements under the above criteria.

The Labor Reform Law, which went into effect in May 2000, allows collective bargaining on a regional, provincial, or company basis depending on what the local union and company decide.

The new law also established a mediation service, which is yet to be implemented. A conciliation service, which began operation in 1997, has helped reduce the number of labor disputes in courts by 60 percent. Foreign experts conducted a 1-week training in mediation for labor professionals, particularly government officials, in Cordoba Province in November.

The Labor Reform Law lengthened the probationary period for new workers to between 90 and 120 days for large companies and to between 6 months and 1 year for small businesses. The reform law also ended the practice known as "ultra-activity," which allowed existing labor contracts to be renewed if the parties did not come to terms on a new agreement.

The reform legislation, which some labor unions strongly opposed, led to an inconclusive investigation into alleged bribes to key Senators to vote in favor of the legislation. The Government has not yet fully adopted implementing regulations for the labor reform law, and there is no clear indication of when they are to be completed. Given the lack of full implementation and the severe economic recession, it is difficult to judge the impact of the labor reform law.

The law prohibits antiunion practices, and the Government generally enforces this prohibition in practice.

There are three functioning export processing zones with many others legally registered but not active. The primary commercial advantages of these zones are related to customs and duty exemptions. The same labor laws apply within these zones as in all other parts of the country.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, some illegal workers, particularly Bolivians, are duped with fraudulent promises and end up in conditions of forced labor with poor pay and working conditions, and there were reports that women were trafficked to the country (see Section 6.f.). The law also prohibits forced and bonded labor by children, and there were no reports that such practices occurred during the year; however, children have been trafficked to the country in the past for prostitution and labor (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The education law requires that children attend school until the age of 15, effectively prohibiting employment of children under 15; however, other laws are inconsistent and child labor is a problem. The labor laws still allow children to work at the age of 14 and in rare cases the Ministry of Education may authorize a younger child to work as part of a family unit. Children between the ages of 15 and 16 may work in a limited number of job categories, but not more than 6 hours a day or 35 hours a week. The penalty for employing underage workers ranges from \$1,000 to \$5,000 (1,000 to 5,000 pesos) for each child employed.

According to the ILO/IPEC, 6.47 percent of children between the ages of 10 and 14 work. Local NGO's note that the figure is imprecise and could be as high as 10 percent. In 1999 in the greater Buenos Aires area, 12,500 children age 14 and below were in the work force. In a 1997 report, UNICEF stated that 252,000 children between the ages of 6 and 14 were employed--183,500 in urban areas and 68,500 in the country--principally harvesting tea and tobacco. An August 2000 UNICEF report on adolescents found that, for children between ages 13 and 17, 3 percent were in school and also economically active; 7 percent were not in school

but were economically active; 84 percent were only in school; and 6 percent were neither in school nor working. A survey of street children conducted in April and May by the City of Buenos Aires found that nearly 80 percent of the children surveyed carried out some economic activity (see Section 5). Of the children surveyed, 42 percent engaged in begging, 20 percent in trash recycling; 14 percent in sales; 10 percent worked opening taxi doors; and 1.2 percent engaged in theft and prostitution. Three-quarters of those surveyed said that they were working to help their families.

In 2000 the President formally established a National Commission for the Eradication of Child Labor to work with the Government, organized labor, the business community, religious groups, UNICEF, and NGO's. During the year, the Commission was active. It signed several sectoral agreements to study and address child labor problems with labor and industry organizations, including those involved in clothing, footwear, agriculture, and construction. The Commission also designed a labeling program, held seminars and workshops, sponsored a conference on child labor in refuse recycling, and developed a model approach to eliminate children's participation in informal refuse recycling.

In September the Buenos Aires provincial government issued a decree that police detain children begging in public places. However, due to opposition to the measure from children's advocates and even sectors of the provincial government, the decree was suspended almost immediately, although it was not revoked.

The Government prohibits forced and bonded child labor, and there were no confirmed reports of its use during the year; however, in the past children have been trafficked to the country for labor and prostitution (see Sections 6.c. and 6.f.).

#### e. Acceptable Conditions of Work

The monthly national minimum wage is \$200 (200 pesos), which is not sufficient to provide a decent standard of living for a worker and family. It is determined by a tripartite committee and has not been changed for at least 6 years. However, few workers in the formal sector make the minimum wage; according to a prominent labor expert, the estimated average income of a laborer is roughly \$550 (550 pesos) per month. Those employed full time in the informal sector are estimated to make closer to \$370 (370 pesos) a month.

Federal labor law sets standards in the areas of health, safety, and hours. The maximum workday is 8 hours, and the maximum workweek is 48 hours. Overtime payment is required for hours worked in excess of these limits. The law also sets minimums for periods of rest and paid vacation. However, laws governing acceptable conditions of work are not enforced universally, particularly for workers in the informal sector who constitute about 40 percent of the work force.

Employers are required by law to insure their employees against accidents at the workplace, and when traveling to and from work. In December 2000, a presidential decree increased the maximum cash payments and maximum total payments for workers' compensation in an effort to strengthen worker protections. Workers have the right to remove themselves from dangerous or unhealthful work situations, after having gone through a claim procedure, without jeopardy to continued employment. Nonetheless, workers who leave the workplace before it has been proven unsafe risk being fired; in such cases, the worker has the right to judicial appeal, but the process can be very lengthy.

#### f. Trafficking in Persons

Although there are no laws specifically addressing trafficking in persons, other laws are used to prosecute crimes associated with trafficking, such as kidnapping, forced labor, use of false documents and prostitution. Women have been trafficked to the country, primarily for prostitution, and children have been trafficked to the country in the past for prostitution and labor. Women and girls from Paraguay and the neighboring province of Misiones have been trafficked to Buenos Aires under the guise of working as domestic employees then forced into debt peonage and prostitution. Traffickers reportedly hold travel documents and occasionally threaten violence. There are credible reports that women brought from the Dominican Republic to work in Argentina sometimes have been coerced into prostitution. At least one complaint was filed with police in Buenos Aires in late December against an alleged trafficker for reportedly threatening to have a trafficked Dominican woman killed.

In 2000 two girls escaped from an Argentine brothel and returned to their homes. The Paraguayan authorities charged a number of Paraguayans with involvement in the case; however, at year's end, none had been convicted. An Argentine television station also conducted an investigation of prostitutes working in greater Buenos Aires and reported a number of undocumented Paraguayan women and girls working in slave-like conditions, offering their services as prostitutes in exchange for their clothing, room, and board. Some illegal

workers are duped with fraudulent promises and then end up in what amounts to forced labor (see Section 6.c.).

According to unconfirmed press reports, in May 2000 the police found 15 Bolivian minors working under poor conditions in a textile factory in the Buenos Aires area. According to the same report, another five Bolivian minors were found later that month aboard a truck on the way to jobs harvesting and packaging onions near Bahia Blanca. Bolivian government representatives could not confirm the trafficking of children to work in Argentina but were investigating possible trafficking of Bolivian children through Argentina to Europe.

No new information was available on the apprehension in 1999 of two Argentine citizens who were charged by police in Spain with trafficking in women for purposes of prostitution.

Although the law does not specifically prohibit trafficking in persons, laws against child abuse provide penalties for trafficking children for purposes of prostitution, and other laws prohibit alien smuggling, indentured servitude, and similar abuses. In August a court sentenced the owner of a Buenos Aires nightclub and two employees to prison terms ranging from 3 to 7 years for illegal imprisonment, corruption of minors, and illegal weapons possession after a 1999 investigation found 15 women and 7 girls (minors), including Paraguayans, held captive by the group.

There are no government programs specifically to assist trafficking victims. The Government seldom detains immigrants on immigration-related charges.